

LEGISLATIVE COMMITTEE NOTES – October 2017

LEGISLATIVE MANAGEMNET COMMITTEE	
Bill Title/Subject Matter:	Letter to the Committee from Executive Offices and Criminal Justice Appropriations Subcommittee
Legislator(s) –Sponsor:	Staff
Interested Parties:	Committee
Code Reference:	
<p>Description: Executive Offices and Criminal Justice Appropriations Subcommittee requested permission for an additional meeting. The letter indicated that another meeting is necessary to discuss and make recommendations based on the magnitude of issues related to the criminal justice system. (e.g., Justice Reform Initiative (JRI), Juvenile Justice Reform, Operation Rio Grande (ORG), Offender Mental Health Competency, Sex Offender Treatment Program (SOTP) Audit, Statewide Investigative Functions Audit).</p> <p>Meeting Materials:</p> <ul style="list-style-type: none"> • Letter from Executive Offices and Criminal Justice Appropriations Subcommittee <p>Audio: http://utahlegislature.granicus.com/MediaPlayer.php?view_id=2&clip_id=21912</p> <ul style="list-style-type: none"> • Committee Business <p><i>[Action: Rep. King MADE THE MOTION TO approve the additional meeting requested. PASSED]</i></p>	
EXECUTIVE APPROPRIATIONS COMMITTEE	
Bill Title/Subject Matter:	Corrections Offender Population and Daily Incarceration Rate
Legislator(s) –Sponsor:	Committee
Interested Parties:	
Code Reference:	
<p>Description: Department of Corrections gave the committee a presentation on the correctional population trends, capacity, and incarceration rate—the drivers of correctional costs. The presentation included:</p> <ul style="list-style-type: none"> • The calculated final state daily incarceration rate for 2017 is \$92.08. (The 2016 rate was \$86.16, but was adjusted during the 2017 Legislative session to \$72.38) <ul style="list-style-type: none"> ○ Rate for jail beds is 73% of this rate or \$67.22 per bed if approved FY19 (The 2018 rate is \$52.84) ○ Rate for jail beds with treatment is 89% of this rate or \$81.95 per bed day (The 2018 rate is \$64.42)—89% reflects the 2% increase passed in Rep. Noel’s 2017 legislation H.B. 461 ○ Rate for jail reimbursement is 50% of this rate or \$46.04 per bed day • The prison population has declined substantially since 2013, but has increased by 197 inmates in the last six months • The probation and parole populations have increased by 1,727 supervised offenders since 2013 <p>Meeting Materials:</p> <ul style="list-style-type: none"> • Department of Corrections Presentation <p>Audio: http://utahlegislature.granicus.com/MediaPlayer.php?view_id=2&clip_id=21913</p> <ul style="list-style-type: none"> • Corrections Offender Population and Daily Incarceration Rate • Department of Corrections Presentation 	

[Action: No action was taken, information only.]

Social Services Appropriations Subcommittee

Bill Title/Subject Matter: **PEHP - Medicaid Restrictions on Opioid Supply**

Legislator(s) –Sponsor: **Staff**

Interested Parties:

Code Reference:

Description: In June 2017 the committee passed a motion that the Department of Health consult with the Public Employees Health Plan (PEHP) on its five changes made regarding opioid prescribing policies. The Dept. shall report to LFA regarding whether they should do something similar to Medicaid. This presentation to the committee includes: 1.) the actions taken, and 2.) those actions still under consideration by the Dept. of Health.

See Meeting materials for full details.

Meeting Materials:

- [Report to LFA Regarding PEHP Opioid Intervention](#)

Audio: http://utahlegislature.granicus.com/MediaPlayer.php?view_id=2&clip_id=21925

- PEHP - Medicaid Restrictions on Opioid Supply
- Report to LFA Regarding PEHP Opioid Intervention

[Action: Rep. Ward MADE THE MOTION THAT the Dept. of Health report to the Social Services Appropriations Subcommittee by July 1, 2018, on the status of implementation of each change taken by PEHP for opioid interventions and not already adequately addressed in the October 2017 report. PASSED]

Bill Title/Subject Matter: **Follow-Up Action on Budget Deep Dives from June, July, and September 2017 Meetings - Departments of Health, Human Services, and Workforce Services**

Legislator(s) –Sponsor: **Staff**

Interested Parties:

Code Reference:

Description: Budget Deep-Dive Potential Motions for Substance Use Disorder (SUD) Treatment System & Opioid Outreach Efforts. Motions based on discussions from the June, July and October meetings.

Meeting Materials:

- [Budget Deep-Dive Potential Motions - June and July 2017 - October 2017](#)

Audio: http://utahlegislature.granicus.com/MediaPlayer.php?view_id=2&clip_id=21925

- Budget Deep-Dive Potential Motions - June and July 2017 - October 2017

[Action: The MOTION WAS MADE to

- 1. Direct the Department of Human Services and Department of Health, with the Wasatch and Box Elder/Cache/Rich Local Substance Abuse Authorities (LSAAs), to explore moving from fee-for-service to a capitated payment for SUD treatment provided through Medicaid and to assess the potential associated costs or savings, and report the results to the Legislative Fiscal Analyst (LFA) by January 1, 2018.*
- 2. Require LSAAs to provide greater expenditure detail in their financial reports to DSAMH, including whether personnel provide administrative or direct care functions, and direct the Department of Human Services to report to LFA on the status by September 30, 2018.*

3. *Monitor key performance measures of legislative interest before providing new funding and direct the Department of Human Services and other entities to discuss recent performance measure results in conjunction with any requests for new legislative funding, effective for the 2018 General Session. Items 1-3 PASSED]*

The following motion was proposed, but ultimately not considered (it was opposed by the department for restricting needed flexibility):

1. *Change the ongoing the \$250,000 ongoing General Fund beginning in FY 2019 for opioid abuse, misuse, and overdose prevention within the Department of Health's Disease Control and Prevention line item from the Health Promotion program to the Opiate Overdose Outreach Pilot Program. The pilot program has a more specific statutory direction for how the funds are to be used.*

Bill Title/Subject Matter:	Medication-Assisted Treatment for Substance Use Disorder
Legislator(s) – Sponsor:	Staff
Interested Parties:	Brent Kelsey, Dept. of Health, Substance Abuse and Mental Health Seth Teague, Program Manager, Salt Lake County Behavioral Health Services Mr. Brian Carrico, President, Innovative Health Solutions
Code Reference:	

Description: The committee received a presentation and report regarding the pilot program funded by the legislature. This program is the largest program in the nation, which starts the use of Vivitrol in jail—before releasing an individual to the community. Mr. Kelsey stated that the legislature provided \$500,000 to expand access to Vivitrol two years ago, and an additional \$1 million in 2018. The Salt Lake County report on the program and the presentation information is for the initial funding and includes: 1.) Legislative Intent Language 2.) Cost Per Client Data 3.) NOMS Indicators (Employment, Housing, Education, Income) 4.) Recidivism Data [New Charge Bookings Pre- and Post-Program] 5.) Measures of Cost-Effectiveness 6.) Options for Reducing Costs 7.) Other Funding Options Beyond One-Time Funding.

Details are available in the meeting materials and audio below.

Mr. Carrico explained a new evidenced based nonpharmacological, nonsurgical technology in the world to treat pain and opioid withdrawal symptoms at the level of the brain and pain in the central nervous system, called The Bridge. Mr. Carrico believed the Bridge would be approved by the FDA Friday.

Meeting Materials:

- [Intent Language Report - Salt Lake County MAT Program - October 2017](#)

Audio: http://utahlegislature.granicus.com/MediaPlayer.php?view_id=2&clip_id=21929&meta_id=758676

- Medication-Assisted Treatment for Substance Use Disorder
- Mr. Kelsey and Mr. Seth Teague, Salt Lake County Behavioral Health, discussed Medication-Assisted Treatment for Substance Use Disorder. Vivitrol is the medication-assisted treatment that was discussed
- Intent Language Report - Salt Lake County MAT Program - October 2017
- Sen. Escamilla and Rep. Redd asked questions and made comments, with responses from Mr. Kelsey and Mr. Teague
- Mr. Steve Haverts, Regional Director, Discovery House, discussed methadone, another option of medication-assisted treatment for substance abuse
- Questions were raised by Rep. Redd and Rep. Ward, concerning methadone, with Mr. Haverts responding
- Chair Ray welcomed the EOCJ Subcommittee, and explained that the joint meeting would be starting

- after the discussion of Medication-Assisted Treatment for Substance Use Disorder was finished
- Mr. Brian Carrico, President, Innovative Health Solutions, explained a new evidenced-based nonpharmacological, nonsurgical technology in the world to treat pain and opioid withdrawal symptoms at the level of the brain and pain in the central nervous system called The Bridge. The Bridge should be approved by the FDA, hopefully by Friday

[Action: No action was taken, information only.]

Bill Title/Subject Matter:	Drug Courts and DORA (Drug Offender Reform Act)
Legislator(s) –Sponsor:	Staff
Interested Parties:	Mr. Doug Thomas, Director, Division of Substance Abuse and Mental Health (DSAMH) Mr. Brent Kelsey, Assistant Director, DSAMH
Code Reference:	
<p>Description: Mr. Thomas and Mr. Kelsey gave a presentation on DORA and drug court programs (<i>e.g.</i>, budgets, funding). Staff related that this item was on the agenda to aid legislatures in determining where there may be gaps in treatment.</p> <p>Meeting Materials: None</p> <p>Audio: http://utahlegislature.granicus.com/MediaPlayer.php?view_id=2&clip_id=21929&meta_id=758877</p> <ul style="list-style-type: none"> • Drug Courts and DORA (Drug Offender Reform Act) <p><i>[Action: This agenda item was moved to the next meeting.]</i></p>	

Joint meeting of Executive Offices and Criminal Justice Appropriations Subcommittee & Social Services Appropriations Subcommittee

Bill Title/Subject Matter:	Medicaid of suspension of incarcerated individuals & Medicaid waiver update
Legislator(s) –Sponsor:	Rep. Paul Ray
Interested Parties:	Ms. Emma Chacon, Operations Director, Department of Health
Code Reference:	
<p>Description: Suspension of Medicaid Coverage for Incarcerated Individuals - In Utah, Medicaid coverage is terminated when an individual is incarcerated. Some states suspend coverage instead of terminating. Ms. Chacon stated that Utah does not have databases that can give the department real-time information for when someone is incarcerated and released. She indicated that it would be easier to suspend a case if this information was available. Also, many of these individuals are part of a household and when they are released their household circumstances may have changed (<i>e.g.</i>, number of people in the household, the income level of the household). She commented that it is appropriate to look at eligibility for the entire household and update the information when determining eligibility. She responded to current practice questions, explaining there is an expedited process for individuals coming out of the prison and the jails in Salt Lake City. The prison has an employee assigned to help those scheduled for reentry, and the turnaround time on an application is 3-5 business days. Also, there is a similar process in effect in Salt Lake County jails. Current Medicaid eligibility requirements were discussed. Issues with the database were discussed. Currently, the data from the corrections system does not interface with other databases, as would be necessary to obtain real-time information. As a jail physician, Rep. Redd discussed how this issue impacts individuals in the jail where he works. Sen. Shiozawa asked Ms. Chacon to bring back to the committee information regarding how to deal with the database issue. Rep. Hutchings commented that it is in the first 30-90 days when those re-entering communities run into problems if needed medications are unavailable.</p> <p>Medicaid waiver was not approved at the time of the meeting. The waiver was approved on October 31st. The</p>	

Centers for Medicare & Medicaid Services (CMS) has approved a five-year extension to Utah's section 1115 Primary Care Network (PCN) demonstration (Project Nos. 11-W-00145/8 and 21-V/ 00054/8), effective from November 1, 2017 through June 30, 2022.

Meeting Materials: None

Audio: http://utahlegislature.granicus.com/MediaPlayer.php?view_id=2&clip_id=21929&meta_id=758884

- Suspension of Medicaid Coverage for Incarcerated Individuals
- Chair Ray explained questions that he would like answered as the next agenda items are discussed
- Ms. Chacon explained suspension of Medicaid coverage for incarcerated individuals
- Sen. Shiozawa, Rep. Cutler, Rep. Thurston, Rep. Redd, Rep. Chavez-Houck, and Rep. Ward raised questions about Medicaid eligibility, with responses from Ms. Chacon and Mr. Dale Ownby, Division Director, Eligibility Services Division, Department of Workforce
- Rep. Hutchings made a follow-up comment concerning Medicaid coverage

[Action: This agenda item was moved to the next meeting.]

Bill Title/Subject Matter:	Mental Health Crisis Response Funding Needs
Legislator(s) –Sponsor:	Rep. Steve Eliason Sen. Daniel Thatcher (Absent)
Interested Parties:	
Code Reference:	

Description: Mental Health Crisis Line Commission - Rep. Eliason reported that there are 20 crisis lines across the state and most of these numbers are not staffed 24/7. Some lines are answered via voicemail, to dispatch, or a phone tree. Rep. Ellison stated that Utah has the 5th highest suicide rate in the nation and reviewed other suicide statistics.

See Meeting materials and audio for full details.

Meeting Materials:

- [Recommendations from Mental Health Crisis Line Commission - October 2017](#)

Audio: http://utahlegislature.granicus.com/MediaPlayer.php?view_id=2&clip_id=21929&meta_id=758884

- Mental Health Crisis Response Funding Needs
- Rep. Eliason, assisted by Mr. Thomas, explained a commission that was set up for the Mental Health Crisis Line and its funding needs
- Recommendations from Mental Health Crisis Line Commission - October 2017
- Rep. Chavez-Houck stated a comment and question concerning the supply of mental health providers in the State, with responses from Rep. Eliason and Mr. Thomas

[Action: This agenda item was moved to the next meeting.]

Bill Title/Subject Matter:	Remaining Budget Needs of the Justice Reinvestment Initiative (JRI) and Funding Options
Legislator(s) –Sponsor:	Staff
Interested Parties:	Doreen Weyland, JRI Coordinator, Commission on Criminal and Juvenile Justice Sofia Nystrom, Research Consultant, Commission on Criminal and Juvenile Justice
Code Reference:	

Description: Staff explained the issue brief on the Justice Reinvestment (JRI) and their recommendations. This brief provides an assessment of funding related to the Justice Reinvestment Initiative (JRI) as of October 2017. It first follows up on the funding provided through the original bill -- House Bill 348, "Criminal Justice Programs and Amendments," 2015 General Session -- for actual expenditures in fiscal year (FY) 2017. It then identifies new funding that has been provided by the Legislature or obtained through other sources since H.B. 348. The brief aggregates remaining funding needs identified by the agencies implementing the legislation, and provides potential offsets and other funding options identified by agencies and staff from the Office of the Legislative Fiscal Analyst (LFA) and makes recommendations.

See Meeting materials for full details.

Ms. Weyland and Ms. Nystrom gave a PowerPoint presentation on the Justice Reinvestment Initiative. Details are available in the JRI presentation and audio links below. Brent Kelsey from the Department of Health answered treatment related questions. Rep. Ray raised a question concerning property crime. Ms. Nystrom's response (as noted in a graph in the presentation) was that current data indicates overall property crime has not increased (it has decreased slightly) at this time.

Meeting Materials:

- [Issue Brief - 2017 Interim - Remaining Budget Needs of the Justice Reinvestment Initiative](#)
- [JRI Presentation - October 18, 2017](#)

Audio: http://utahlegislature.granicus.com/MediaPlayer.php?view_id=2&clip_id=21929&meta_id=758884

- Remaining Budget Needs of the Justice Reinvestment Initiative (JRI) and Funding Options
- Issue Brief - 2017 Interim - JRI Remaining Needs
- JRI Presentation - October 18, 2017

[Action: Rep. Ward MADE THE MOTION to request 1. that the Department of Corrections and the Commission on Criminal and Juvenile Justice (CCJJ) set aside the approximately \$334,000 in unexpended FY 2017 JRI funds, and that the Executive Offices and Criminal Justice (EOCJ) Subcommittee consider a one-time reallocation of those funds during the 2018 General Session. 2. that, if the Utah Association of Counties or any other entity submits a funding request for substance use disorder and mental health treatment related to JRI in a future General Session that they, in coordination with the Division of Substance Abuse and Mental Health (DSAMH), provide to the Social Services (SS) Subcommittee an updated estimate of the per-person cost and the number of individuals requiring treatment based on historical data since the start of JRI, as well as describing how changes to the Medicaid program due to H.B. 437 (2016 General Session) impacted that estimate, and 3. that the Drug Offender Reform Act (DORA) Oversight Committee report to both the EOCJ and Social Services (SS) Appropriations Subcommittees about the demand for and outcomes of the DORA program by the 2018 General Session, in order to provide the Legislature with the necessary information to consider repurposing the funds. PASSED.]

Executive Offices and Criminal Justice Appropriations Subcommittee

Bill Title/Subject Matter:	Budget Deep-Dive: Bureau of Criminal Identification (BCI)
Legislator(s) – Sponsor:	Staff
Interested Parties:	
Code Reference:	
<p>Description: The brief focuses primarily on BCI as a whole which includes the ten major sections/functions within BCI which are: Administration, Applicant Background Checks (ABC) and Fingerprinting, Firearms, Brady, Records and Expungements, Automated Fingerprint Identification System (AFIS), Communications & Information Center (CIC), Field Services, and Support Services. Recommendations and options for legislative action are provided in the next section, followed by</p>	

discussion and analysis.

See Meeting materials for full details.

Meeting Materials:

- [Agency BCI Presentation - October 2017](#)
- [Issue Brief - 2017 Interim - Budget Deep Dive - BCI](#)
- [EOCJ Subcommittee Summary of Potential Action Items - October 2017](#)

Audio: http://utahlegislature.granicus.com/MediaPlayer.php?view_id=2&clip_id=21930&meta_id=757558

- Budget Deep Dive: Bureau of Criminal Identification
- BCI Presentation
- Issue Brief

[Action: No action was taken, information only.]